



Senate

General Assembly

File No. 263

February Session, 2016

Substitute Senate Bill No. 220

Senate, March 29, 2016

The Committee on Labor and Public Employees reported through SEN. GOMES of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING UNEMPLOYMENT COMPENSATION
APPEALS AND HEARINGS, EMPLOYEE PAY PERIODS AND MINOR
AND TECHNICAL REVISIONS TO THE GENERAL STATUTES
RELATING TO THE LABOR DEPARTMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (h) of section 31-225a of the 2016 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2016*):

4 (h) (1) With respect to each benefit year commencing on or after July
5 1, 1978, notice of determination of the claimant's benefit entitlement for
6 such benefit year shall include notice of the allocation of benefit
7 charges of the claimant's base period employers and each such
8 employer shall be [mailed] provided a copy of such notice of
9 determination and shall be an interested party thereto. Such
10 determination shall be final unless the claimant or any of such
11 employers files an appeal from such decision in accordance with the

12 provisions of section 31-241, as amended by this act. (2) The
13 administrator shall, not less frequently than once each calendar
14 quarter, [mail] provide a statement of charges to each employer to
15 whose experience record any charges have been made since the last
16 previous such statement. Such statement shall show, with respect to
17 each week for which benefits have been paid and charged, the name
18 and Social Security account number of the claimant who was paid the
19 benefit, the amount of the benefits charged for such week and the total
20 amount charged in the quarter. (3) The statement of charges provided
21 for in subdivision (2) of this subsection shall constitute notice to the
22 employer that it has been determined that the benefits reported in such
23 statement were properly payable under this chapter to the claimants
24 for the weeks and in the amounts shown in such statements. If the
25 employer contends that benefits have been improperly charged due to
26 fraud or error, a written protest setting forth reasons therefor shall be
27 filed with the administrator within sixty days of the [mailing] date [of]
28 the quarterly statement was provided. An eligibility issue shall not be
29 reopened on the basis of such quarterly statement if notification of
30 such eligibility issue had previously been given to the employer under
31 the provisions of section 31-241, as amended by this act, and he or she
32 failed to file a timely appeal therefrom or had the issue finally resolved
33 against him or her. (4) The provisions of subdivisions (2) and (3) of this
34 subsection shall not apply to combined wage claims paid under
35 subsection (b) of section 31-255. For such combined wage claims paid
36 under the unemployment law of other states, the administrator shall,
37 each calendar quarter, [mail] provide a statement of charges to each
38 employer whose experience record has been charged since the
39 previous such statement. Such statement shall show the name and
40 Social Security number of the claimant who was paid the benefits and
41 the total amount of the benefits charged in the quarter.

42 Sec. 2. Subsection (i) of section 31-227 of the general statutes is
43 repealed and the following is substituted in lieu thereof (*Effective*
44 *October 1, 2016*):

45 (i) (1) An individual filing a new claim for unemployment

46 compensation shall at the time of filing such claim be advised that: (A)
47 Unemployment compensation is subject to federal, state and local
48 income tax; (B) requirements exist pertaining to estimated tax
49 payments; (C) the individual may elect to have federal income tax
50 deducted and withheld from the individual's payment of
51 unemployment compensation at the amount specified in the federal
52 Internal Revenue Code; (D) the individual may elect to have state
53 income tax deducted and withheld from the individual's payment of
54 unemployment compensation at the rate of three per cent; [(E) the
55 individual shall be permitted to change a previously elected
56 withholding status one time in a benefit year;] and [(F)] (E) an
57 individual who elects deductions pursuant to subparagraph (C) or (D)
58 of this subdivision shall be subject to deductions pursuant to
59 subparagraphs (C) and (D) of this subdivision. (2) Amounts deducted
60 and withheld from unemployment compensation shall remain in the
61 Unemployment Compensation Fund until transferred to the federal or
62 state taxing authority as a payment of income tax. (3) The
63 commissioner shall follow all procedures specified by the United
64 States Department of Labor and the federal Internal Revenue Service
65 pertaining to the deducting and withholding of federal and state
66 income taxes. (4) Amounts shall be deducted and withheld in
67 accordance with any regulations adopted by the commissioner to
68 implement the provisions of this subsection. (5) For purposes of this
69 subsection, "unemployment compensation" means any compensation
70 payable under this chapter, including amounts payable by the
71 administrator pursuant to an agreement under any federal law
72 providing for compensation, assistance or allowances with respect to
73 unemployment.

74 Sec. 3. Section 31-237a of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective October 1, 2016*):

76 As used in this chapter, unless the context clearly indicates
77 otherwise:

78 (a) "Board" means the Employment Security Board of Review;

79 (b) "Appeals division" means the Employment Security Appeals
80 Division consisting of the board members, the referees employed in
81 the referee section and all other supporting staff members employed in
82 that division for discharge of its responsibilities as set forth in this
83 chapter;

84 (c) "Referee" means an employment security appeals referee;

85 (d) "Chief referee" means the chief referee of the referee section;

86 (e) "Referee section" means the organizational unit consisting of the
87 employment security appeals referees employed in the appeals
88 division and all other supporting staff members employed in that
89 division for discharge of the responsibilities assigned to referees in
90 accordance with this chapter; [and]

91 (f) "Staff assistant" means the staff assistant to the Employment
92 Security Board of Review; and

93 (g) "Records" means the official records, files and data maintained
94 by the Employment Security Division.

95 Sec. 4. Section 31-237h of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective October 1, 2016*):

97 The appeals division shall [have] be permitted access to all records
98 of the Employment Security Division necessary to the performance of
99 the duties assigned to the board and the referees under this chapter in
100 a manner prescribed by the appeals division.

101 Sec. 5. Section 31-240 of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective October 1, 2016*):

103 Claims for benefits shall be made [, in accordance with such
104 regulations as the administrator may prescribe, at the public
105 employment bureau or branch most easily accessible either from the
106 individual's place of residence or from the place of his most recent
107 employment, as designated] in a manner prescribed by the

108 administrator.

109 Sec. 6. Section 31-241 of the general statutes is repealed and the
110 following is substituted in lieu thereof (*Effective October 1, 2016*):

111 (a) The administrator, or a deputy or representative designated by
112 [him] the administrator and hereinafter referred to as an examiner,
113 shall promptly examine the initiating claim and, on the basis of the
114 facts found by him or her, shall determine whether or not such claim is
115 valid and, if valid, the weekly amount of benefits payable and the
116 maximum possible duration thereof. [He] The administrator or an
117 examiner shall promptly notify the claimant of the decision and the
118 reasons therefor, which notification shall set forth the provision of this
119 section for appeal. The administrator or an examiner shall promptly
120 examine each claim for a benefit payment for a week of unemployment
121 and, on the basis of the facts found by him or her, shall determine
122 whether or not the claimant is eligible to receive such benefit payment
123 for such week and the amount of benefits payable for such week. The
124 determination of eligibility by the administrator or an examiner shall
125 be based upon evidence or testimony presented in [such] a manner [as
126 the administrator shall prescribe] prescribed by the administrator,
127 including in writing, by telephone or by other electronic means. [at a
128 hearing called for such purpose.] The administrator or an examiner
129 may prescribe [an in person] a hearing by telephone or in person at his
130 or her discretion, provided if an in person hearing is requested, the
131 request may not be unreasonably denied by the administrator or an
132 examiner, as the case may be. Notice of the decision and the reasons
133 therefor shall be given to the claimant. The employers against whose
134 accounts charges may be made due to any benefits awarded by the
135 decision shall be notified of the initial determination of the claimant's
136 benefit entitlement at the time notice is given to the claimant, which
137 notification shall set forth the provisions of this section for appeal,
138 provided any employer who claims that the claimant is ineligible for
139 benefits because his or her unemployment is due to the existence of a
140 labor dispute at such employer's factory, establishment or other
141 premises, shall be notified of the decision and the reasons therefor,

142 whether or not benefits awarded by the decision might be charged
143 against such employer's account. The employer's appeal rights shall be
144 limited to the first notice [he] the employer is given in connection with
145 a claim which sets forth his or her appeal rights, and no issue may be
146 appealed if notice of such issue and the right to appeal such issue had
147 previously been given. For any determination of an overpayment
148 made prior to October 1, 2013, notwithstanding any provisions of this
149 chapter to the contrary, whenever the employer, after receiving notice
150 of such hearing, fails to appear at the hearing or fails to timely submit
151 a written response in a manner prescribed by the administrator, such
152 employer's proportionate share of benefits paid to the claimant prior to
153 the issuance of a decision by a referee under section 31-242, as
154 amended by this act, for any week beginning prior to the forty-second
155 day after the end of the calendar week in which the employer's appeal
156 was filed shall be charged against such employer's account and the
157 claimant shall not be charged with an overpayment with respect to
158 such benefits pursuant to subsection (a) of section 31-273, as amended
159 by this act. For any determination of an overpayment made on or after
160 October 1, 2013, notwithstanding any provisions of this chapter to the
161 contrary, whenever the employer, after receiving notice of such
162 hearing, fails to appear at the hearing or fails to submit a timely and
163 adequate written response in a manner prescribed by the
164 administrator, such employer's proportionate share of benefits paid to
165 the claimant prior to the issuance of a decision by a referee under
166 section 31-242, as amended by this act, or the Employment Security
167 Board of Review under section 31-249a, as amended by this act, shall
168 be charged against such employer's account. The decision of the
169 administrator shall be final and benefits shall be paid or denied in
170 accordance therewith unless the claimant or any of such employers,
171 within twenty-one calendar days after such notification was [mailed to
172 his last-known address] provided to the claimant or any of such
173 employers, files an appeal from such decision and applies for a
174 hearing, provided (1) any such appeal which is filed after such twenty-
175 one-day period may be considered to be timely filed if the filing party
176 shows good cause, as defined in regulations adopted pursuant to

177 section 31-249h, for the late filing, (2) if the last day for filing an appeal
178 falls on any day when the offices of the Employment Security Division
179 are not open for business, such last day shall be extended to the next
180 business day, [and] (3) if any such appeal is filed by mail, such appeal
181 shall be considered timely filed if it was received within such twenty-
182 one-day period or bears a legible United States postal service postmark
183 which indicates that within such twenty-one-day period it was placed
184 in the possession of such postal authorities for delivery to the
185 appropriate office, [. Posting] except posting dates attributable to
186 private postage meters shall not be considered in determining the
187 timeliness of appeals filed by mail, and (4) if any such appeal is filed
188 electronically, such appeal shall be considered timely filed if it was
189 received within such twenty-one-day period. Where the administrator
190 or examiner has determined that the claimant is eligible for benefits,
191 benefits shall be paid promptly in accordance with the determination
192 regardless of the pendency of the period to file an appeal or the
193 pendency of such appeal. No examiner shall participate in any case in
194 which he or she is an interested party. Any person who has filed a
195 claim for benefits pursuant to an agreement entered into by the
196 administrator with the proper agency under the laws of the United
197 States, whereby the administrator makes payment of unemployment
198 compensation out of funds supplied by the United States, may in like
199 manner file an appeal from the decision of such claim and apply for a
200 hearing, and the United States or the agency thereof which had
201 employed such person may in like manner appeal from the decision on
202 such claim and apply for a hearing.

203 (b) The administrator shall adopt regulations, in accordance with
204 the provisions of section 31-244, as amended by this act, and chapter
205 54, effective July 1, 1992, establishing procedures and guidelines
206 necessary to implement the provisions of this section. Such regulations
207 shall prescribe a minimum number of days of advance notice to be
208 afforded parties prior to a hearing and standards for determining the
209 timeliness of written responses to hearing notices.

210 Sec. 7. Section 31-242 of the general statutes is repealed and the

211 following is substituted in lieu thereof (*Effective October 1, 2016*):

212 Unless such appeal is withdrawn, a referee shall promptly hear the
213 claim, de novo, and render a decision thereon. Unless [he] a party has
214 waived the notice or agreed to a shorter period of time, notice, by mail
215 or otherwise, of the time and place of such hearing shall be given each
216 interested party not less than five days prior to the date appointed
217 therefor. The parties, including the administrator, shall be notified of
218 the referee's decision, which notification shall be accompanied by a
219 finding of the facts and the conclusions of law upon which the decision
220 is based. The referee may, for good cause, issue a decision which
221 remands the case to the administrator for such further proceedings as
222 the referee may reasonably direct. Such hearing shall be held by the
223 referee designated by the chief referee. No referee shall hear an appeal
224 if he or she has any interest in the proceeding or in the business of any
225 party to the proceeding. A challenge to the interest of a referee may be
226 made by any party to the proceeding. The decision on said challenge
227 shall be made by the chairman of the board, after proceedings held in
228 accordance with such rules of procedures as the board may establish.

229 Sec. 8. Section 31-244 of the general statutes is repealed and the
230 following is substituted in lieu thereof (*Effective October 1, 2016*):

231 The manner in which disputed claims shall be presented and the
232 reports thereon required from the claimant and from employers shall
233 be in accordance with regulations prescribed by the administrator.
234 Neither the administrator nor the examiners shall be bound by the
235 ordinary common law or statutory rules of evidence or procedure, but
236 may make inquiry in such manner, through oral testimony or written,
237 [and] printed or electronic records, as is best calculated to ascertain the
238 substantial rights of the parties and carry out justly the provisions of
239 this chapter. A complete record shall be kept of all proceedings in
240 connection with a disputed claim.

241 Sec. 9. Section 31-244a of the general statutes is repealed and the
242 following is substituted in lieu thereof (*Effective October 1, 2016*):

243 The conduct of hearings and appeals, including notice thereof, shall
244 be in accordance with rules of procedure prescribed by the board in
245 regulations adopted pursuant to section 31-237g. No formal pleadings
246 shall be required [.] beyond such notices as the board provides for by
247 its rules of procedure. The referees and the board shall not be bound
248 by the ordinary common law or statutory rules of evidence or
249 procedure. They shall make inquiry in such manner, through oral
250 testimony and written, electronic and printed records, as is best
251 calculated to ascertain the substantial rights of the parties and carry
252 out justly the provisions of this chapter. A record shall be prepared of
253 all testimony and proceedings at any hearing before a referee and
254 before the board but need not be transcribed unless an appeal is taken
255 from the referee's or board's decision, as the case may be.

256 Sec. 10. Section 31-248 of the general statutes is repealed and the
257 following is substituted in lieu thereof (*Effective October 1, 2016*):

258 (a) Any decision of a referee, in the absence of a timely filed appeal
259 from a party aggrieved thereby or a timely filed motion to reopen,
260 vacate, set aside or modify such decision from a party aggrieved
261 thereby, shall become final on the twenty-second calendar day after
262 the date on which a copy of the decision is [mailed] provided to the
263 party, provided (1) any such appeal or motion which is filed after such
264 twenty-one-day period may be considered to be timely filed if the
265 filing party shows good cause, as defined in regulations adopted
266 pursuant to section 31-249h, for the late filing, (2) if the last day for
267 filing an appeal or motion falls on any day when the offices of the
268 Employment Security Division are not open for business, such last day
269 shall be extended to the next business day, [and] (3) if any such appeal
270 or motion is filed by mail, such appeal or motion shall be considered to
271 be timely filed if it was received within such twenty-one-day period or
272 bears a legible United States postal service postmark which indicates
273 that within such twenty-one-day period, it was placed in the
274 possession of such postal authorities for delivery to the appropriate
275 office, [. Posting] except posting dates attributable to private postage
276 meters shall not be considered in determining the timeliness of appeals

277 or motions filed by mail, and (4) if any such appeal is filed
278 electronically, such appeal shall be considered timely filed if it was
279 received within such twenty-one-day period.

280 (b) Any decision of a referee may be reopened, set aside, vacated or
281 modified on the timely filed motion of a party aggrieved by such
282 decision, or on the referee's own timely filed motion, on grounds of
283 new evidence or if the ends of justice so require upon good cause
284 shown. The appeal period shall run from the [mailing of] date a copy
285 of the decision entered after any such reopening, setting aside,
286 vacation or modification, or a decision denying such motion, as the
287 case may be, was provided to the aggrieved party, provided no such
288 motion from any party may be accepted with regard to a decision
289 denying a preceding motion to reopen, vacate, set aside or modify filed
290 by the same party. An appeal to the board from a referee's decision
291 may be processed by the referee as a motion for purposes of reopening,
292 vacating, setting aside or modifying such decision, solely in order to
293 grant the relief requested.

294 (c) Judicial review of any decision shall be permitted only after a
295 party aggrieved thereby has exhausted his or her remedy before the
296 board, as provided in this chapter. The administrator shall be deemed
297 to be a party to any judicial proceeding involving any such decision
298 and shall be represented in such proceeding by the Attorney General.

299 Sec. 11. Section 31-249 of the general statutes is repealed and the
300 following is substituted in lieu thereof (*Effective October 1, 2016*):

301 At any time before the referee's decision has become final within the
302 periods of limitation prescribed in section 31-248, as amended by this
303 act, any party including the administrator, may appeal therefrom to
304 the board. Such appeal shall be filed in a manner prescribed by the
305 appeals division and may be heard in any local office of the
306 [employment security division] Employment Security Division or, in
307 the case of an interstate claim, in the office in which the claim was
308 filed, or in the office of the appeals referee or the board of review. Such
309 appeal to the board may be heard on the record of the hearing before

310 the referee or the board may hear additional evidence or testimony,
311 provided the board shall determine what evidence shall be heard in
312 the appeal established in accordance with the standards and criteria in
313 regulations adopted pursuant to section 31-237g. The board may
314 remand the case to a referee for such further proceedings as it may
315 direct. Upon the final determination of the appeal by the board, it shall
316 issue its decision, affirming, modifying or reversing the decision of the
317 referee. The board shall state in each decision whether or not it was
318 based on the record of the hearing before the referees, the reasons for
319 the decision and the citations of any precedents used to support it. In
320 any case in which the board modifies the referee's findings of fact or
321 conclusions of law, the board's decision shall include its findings of
322 fact and conclusions of law.

323 Sec. 12. Section 31-249a of the general statutes is repealed and the
324 following is substituted in lieu thereof (*Effective October 1, 2016*):

325 (a) Any decision of the board, in the absence of a timely filed appeal
326 from a party aggrieved thereby or a timely filed motion to reopen,
327 vacate, set aside or modify such decision from a party aggrieved
328 thereby, shall become final on the thirty-first calendar day after the
329 date on which a copy of the decision is [mailed] provided to the party,
330 provided (1) any such appeal or motion which is filed after such thirty-
331 day period may be considered to be timely filed if the filing party
332 shows good cause, as defined in regulations adopted pursuant to
333 section 31-249h, for the late filing, (2) if the last day for filing an appeal
334 or motion falls on any day when the offices of the Employment
335 Security Division are not open for business, such last day shall be
336 extended to the next business day, [and] (3) if any such appeal or
337 motion is filed by mail, such appeal or motion shall be considered to be
338 timely filed if it was received within such thirty-day period or bears a
339 legible United States postal service postmark which indicates that
340 within such thirty-day period it was placed in the possession of such
341 postal authorities for delivery to the appropriate office, [. Posting]
342 except posting dates attributable to private postage meters shall not be
343 considered in determining the timeliness of appeals or motions filed by

344 mail, and (4) if any such appeal is filed electronically, such appeal shall
345 be considered timely filed if it was received within such thirty-day
346 period.

347 (b) Any decision of the board may be reopened, vacated, set aside,
348 or modified on the timely filed motion of a party aggrieved by such
349 decision, or on the board's own timely filed motion, on grounds of new
350 evidence or if the ends of justice so require upon good cause shown.
351 The appeal period shall run from the [mailing of] date a copy of the
352 decision entered after any such reopening, [vacating,] setting aside,
353 vacation or modification, or [the] a decision denying such motion, as
354 the case may be, was provided to the aggrieved party, provided no
355 such motion from any party may be accepted with regard to a decision
356 denying a preceding motion to reopen, [vacate,] set aside, vacate or
357 modify filed by the same party. An appeal to Superior Court from a
358 board decision may be processed by the board as a motion for
359 purposes of reopening, [vacating,] setting aside, vacating or modifying
360 such decision solely in order to grant the relief requested.

361 (c) Benefits shall be paid or denied in accordance with the decision
362 of the board. Where the board has determined that the claimant is
363 eligible for benefits and an appeal has been initiated under section 31-
364 249b, as amended by this act, benefits shall be paid during the
365 pendency of an appeal before the court. Judicial review of any decision
366 shall be permitted only after a party aggrieved thereby has exhausted
367 his or her remedies before the board, as provided in this chapter.

368 Sec. 13. Section 31-249b of the general statutes is repealed and the
369 following is substituted in lieu thereof (*Effective October 1, 2016*):

370 At any time before the board's decision has become final, any party,
371 including the administrator, may appeal such decision, including any
372 claim that the decision violates statutory or constitutional provisions,
373 to the superior court for the judicial district of Hartford or for the
374 judicial district wherein the appellant resides. Any or all parties
375 similarly situated may join in one appeal. In such judicial proceeding
376 the original and five copies of a petition, which shall state the grounds

377 on which a review is sought, shall be filed in the office of the board in a
378 manner prescribed by the appeals division. The chairman of the board
379 shall, within the third business day thereafter, cause the original
380 petition or petitions to be mailed to the clerk of the Superior Court and
381 copy or copies thereof to the administrator and to each other party to
382 the proceeding in which such appeal was taken; and said clerk shall
383 docket such appeal as returned to the next return day after the receipt
384 of such petition or petitions. In all cases, the board shall certify the
385 record to the court. The record shall consist of the notice of appeal to
386 the referee and the board, the notices of hearing before them, the
387 referee's findings of fact and decision, the findings and decision of the
388 board, all documents admitted into evidence before the referee and the
389 board or both and all other evidentiary material accepted by them.
390 Upon request of the court, the board shall (1) in cases in which its
391 decision was rendered on the record of such hearing before the referee,
392 prepare and verify to the court a transcript of such hearing before the
393 referee; and (2) in cases in which its decision was rendered on the
394 record of its own evidentiary hearing, provide and verify to the court a
395 transcript of such hearing of the board. In any appeal, any finding of
396 the referee or the board shall be subject to correction only to the extent
397 provided by section 22-9 of the Connecticut Practice Book. Such
398 appeals shall be claimed for the short calendar unless the court shall
399 order the appeal placed on the trial list. An appeal may be taken from
400 the decision of the Superior Court to the Appellate Court in the same
401 manner as is provided in section 51-197b. It shall not be necessary in
402 any judicial proceeding under this section that exceptions to the
403 rulings of the board shall have been made or entered and no bond
404 shall be required for entering an appeal to the Superior Court. Unless
405 the court shall otherwise order after motion and hearing, the final
406 decision of the court shall be the decision as to all parties to the
407 original proceeding. In any appeal in which one of the parties is not
408 represented by counsel and in which the party taking the appeal does
409 not claim the case for the short calendar or trial within a reasonable
410 time after the return day, the court may of its own motion dismiss the
411 appeal, or the party ready to proceed may move for nonsuit or default

412 as appropriate. When an appeal is taken to the Superior Court, the
413 clerk thereof shall by writing notify the board of any action of the court
414 thereon and of the disposition of such appeal whether by judgment,
415 remand, withdrawal or otherwise and shall, upon the decision on the
416 appeal, furnish the board with a copy of such decision. The court may
417 remand the case to the board for proceedings de novo, or for further
418 proceedings on the record, or for such limited purposes as the court
419 may prescribe. The court also may order the board to remand the case
420 to a referee for any further proceedings deemed necessary by the court.
421 The court may retain jurisdiction by ordering a return to the court of
422 the proceedings conducted in accordance with the order of the court or
423 the court may order final disposition. A party aggrieved by a final
424 disposition made in compliance with an order of the Superior Court,
425 by the filing of an appropriate motion, may request the court to review
426 the disposition of the case.

427 Sec. 14. Section 31-249e of the general statutes is repealed and the
428 following is substituted in lieu thereof (*Effective October 1, 2016*):

429 Every decision of a referee [,] or the board shall be issued in a
430 manner prescribed by the appeals division, which may include, but
431 need not be limited to, in writing, [and delivered] in person delivery,
432 [or] by mail or electronically, to the parties concerned immediately
433 following its rendition. The decision shall contain a notice setting forth
434 the appellate rights of parties.

435 Sec. 15. Subsection (g) of section 31-254 of the general statutes is
436 repealed and the following is substituted in lieu thereof (*Effective*
437 *October 1, 2016*):

438 (g) (1) Notwithstanding any of the information disclosure
439 provisions of this section, the administrator shall disclose information
440 obtained pursuant to subsection (a) of this section to: (A) A regional
441 workforce development board, established pursuant to section 31-3k,
442 to the extent necessary for the effective administration of the federal
443 Trade Adjustment Assistance Program of the Trade Act of 1974, as
444 amended from time to time, the federal [Workforce Investment Act]

445 Workforce Innovation and Opportunity Act of 2014, as amended from
446 time to time, and the state employment services program established
447 pursuant to section 17b-688c for recipients of temporary family
448 assistance, provided a regional workforce development board, enters
449 into a written agreement with the administrator, pursuant to
450 subdivision (2) of this subsection, concerning protection of the
451 confidentiality of such information prior to the receipt of any such
452 information; (B) a nonpublic entity that is under contract with the
453 administrator or another state agency where necessary for the effective
454 administration of this chapter or with the United States Department of
455 Labor to administer grants which are beneficial to the interests of the
456 administrator, provided such nonpublic entity enters into a written
457 agreement with the administrator, pursuant to subdivision (2) of this
458 subsection, concerning protection of the confidentiality of such
459 information prior to the receipt of any such information; (C) the
460 president of the Board of Regents for Higher Education, appointed
461 under section 10a-1a, for use in the performance of such president's
462 official duties to the extent necessary for evaluating programs at
463 institutions of higher education governed by said board pursuant to
464 section 10a-1a, provided such president enters into a written
465 agreement with the administrator, pursuant to subdivision (2) of this
466 subsection, concerning protection of the confidentiality of such
467 information prior to the receipt of any such information; or (D) a third
468 party pursuant to written, informed consent of the individual or
469 employer to whom the information pertains.

470 (2) Any written agreement shall contain safeguards as are necessary
471 to protect the confidentiality of the information being disclosed,
472 including, but not limited to a:

473 (A) Statement from the regional workforce development board,
474 nonpublic entity [,] or president of the Board of Regents for Higher
475 Education, as appropriate, of the purposes for the requested
476 information and the specific use intended for the information;

477 (B) Statement from the regional workforce development board,

478 nonpublic entity [.] or president of the Board of Regents for Higher
479 Education, as appropriate, that the disclosed information shall only be
480 used for such purposes as are permitted by this subsection and
481 consistent with the written agreement;

482 (C) Requirement that the regional workforce development board,
483 nonpublic entity [.] or president of the Board of Regents for Higher
484 Education, as appropriate, store the disclosed information in a location
485 that is physically secure from access by unauthorized persons;

486 (D) Requirement that the regional workforce development board,
487 nonpublic entity [.] or president of the Board of Regents for Higher
488 Education, as appropriate, store and process the disclosed information
489 maintained in an electronic format in such a way that ensures that
490 unauthorized persons cannot obtain the information by any means;

491 (E) Requirement that the regional workforce development board,
492 nonpublic entity [.] or president of the Board of Regents for Higher
493 Education, as appropriate, establish safeguards to ensure that only
494 authorized persons, including any authorized agent of the board,
495 nonpublic entity [.] or president of the Board of Regents for Higher
496 Education, are permitted access to disclosed information stored in
497 computer systems;

498 (F) Requirement that the regional workforce development board,
499 nonpublic entity [.] or president of the Board of Regents for Higher
500 Education, as appropriate, enter into a written agreement, that has
501 been approved by the administrator, with any authorized agent of the
502 board, nonpublic entity [.] or president of the Board of Regents for
503 Higher Education, which agreement shall contain the requisite
504 safeguards contained in the written agreement between the board,
505 nonpublic entity [.] or president of the Board of Regents for Higher
506 Education and the administrator;

507 (G) Requirement that the regional workforce development board,
508 nonpublic entity [.] or president of the Board of Regents for Higher
509 Education, as appropriate, instruct all persons having access to the

510 disclosed information about the sanctions specified in this section, and
511 further require each employee of such board, nonpublic entity [.] or
512 president of the Board of Regents for Higher Education, and any agent
513 of such board, nonpublic entity [.] or president of the Board of Regents
514 for Higher Education, authorized to review such information, to sign
515 an acknowledgment that such employee or such agent has been
516 advised of such sanctions;

517 (H) Statement that redisclosure of confidential information is
518 prohibited, except with the written approval of the administrator;

519 (I) Requirement that the regional workforce development board,
520 nonpublic entity [.] or president of the Board of Regents for Higher
521 Education, as appropriate, dispose of information disclosed or
522 obtained under this subsection, including any copies of such
523 information made by the board, nonpublic entity [.] or president of the
524 Board of Regents for Higher Education, after the purpose for which the
525 information is disclosed has been served, either by returning the
526 information to the administrator, or by verifying to the administrator
527 that the information has been destroyed;

528 (J) Statement that the regional workforce development board,
529 nonpublic entity [.] or president of the Board of Regents for Higher
530 Education, as appropriate, shall permit representatives of the
531 administrator to conduct periodic audits, including on-site inspections,
532 for the purpose of reviewing such board's, nonpublic entity's [.] or
533 president of the Board of Regents for Higher Education's adherence to
534 the confidentiality and security provisions of the written agreement;
535 and

536 (K) Statement that the regional workforce development board,
537 nonpublic entity [.] or president of the Board of Regents for Higher
538 Education, as appropriate, shall reimburse the administrator for all
539 costs incurred by the administrator in making the requested
540 information available and in conducting periodic audits of the board's,
541 nonpublic entity's [.] or president of the Board of Regents for Higher
542 Education's procedures in safeguarding the information.

543 (3) Any employee or agent of a regional workforce development
544 board, nonpublic entity [.] or president of the Board of Regents for
545 Higher Education, as appropriate, who discloses any confidential
546 information in violation of this section and the written agreement,
547 entered into pursuant to subdivision (2) of this subsection, shall be
548 fined not more than two hundred dollars or imprisoned not more than
549 six months, or both, and shall be prohibited from any further access to
550 confidential information.

551 Sec. 16. Section 31-273 of the general statutes is repealed and the
552 following is substituted in lieu thereof (*Effective October 1, 2016*):

553 (a) (1) Any person who, through error, has received any sum as
554 benefits under this chapter while any condition for the receipt of
555 benefits imposed by this chapter was not fulfilled in his or her case, or
556 has received a greater amount of benefits than was due him or her
557 under this chapter, shall be charged with an overpayment of a sum
558 equal to the amount so overpaid to him or her, provided such error has
559 been discovered and brought to [his] such person's attention within
560 one year of the date of receipt of such benefits. A person whose receipt
561 of such a sum was not due to fraud, wilful misrepresentation or wilful
562 nondisclosure by himself or herself or another shall be entitled to a
563 [hearing before an examiner designated by the administrator]
564 determination of eligibility by an examiner designated by the
565 administrator that shall be based upon evidence or testimony
566 presented in a manner prescribed by the administrator, including in
567 writing, by telephone or by other electronic means. The examiner may
568 prescribe a hearing by telephone or in person at his or her discretion,
569 provided if an in person hearing is requested, the request may not be
570 unreasonably denied by the examiner. Notice of the time and place of
571 such hearing, and the reasons for such hearing, shall be given to the
572 person not less than five days prior to the date appointed for such
573 hearing. Such examiner shall determine whether: (A) Such person shall
574 repay such sum to the administrator for the Unemployment
575 Compensation Fund, (B) such sum shall be recouped by offset from
576 such person's unemployment benefits, or (C) repayment or

577 recoupment of such sum would defeat the purpose of the benefits or
578 be against equity and good conscience and should be waived. In any
579 case where the examiner determines that such sum shall be recouped
580 by offset from a person's unemployment benefits, the deduction from
581 benefits shall not exceed fifty per cent of the person's weekly benefit
582 amount. Where such offset is insufficient to recoup the full amount of
583 the overpayment, the claimant shall repay the remaining amount in
584 accordance with a repayment schedule as determined by the examiner.
585 If the claimant fails to repay according to the schedule, the
586 administrator may recover such overpayment through a wage
587 execution against the claimant's earnings upon his or her return to
588 work in accordance with the provisions of section 52-361a, and the
589 administrator may request the Commissioner of Administrative
590 Services to seek reimbursement for such amount pursuant to section
591 12-742. Any person with respect to whom a determination of
592 overpayment has been made, according to the provisions of this
593 subsection, shall be given notice of such determination and the
594 provisions for repayment or recoupment of the amount overpaid. No
595 repayment shall be required and no deduction from benefits shall be
596 made until the determination of overpayment has become final.

597 (2) The determination of overpayment shall be final unless the
598 claimant, within twenty-one days after notice of such determination
599 was [mailed to him] provided to the claimant at his or her last-known
600 address, files an appeal from such determination to a referee, except
601 that any such appeal that is filed after such twenty-one-day period
602 may be considered to be timely filed if the filing party shows good
603 cause, as defined in regulations adopted pursuant to section 31-249h,
604 for the late filing. If the last day for filing an appeal falls on any day
605 when the offices of the Employment Security Division are not open for
606 business, such last day shall be extended to the next business day. If
607 any such appeal is filed by mail, the appeal shall be considered timely
608 filed if the appeal was received within such twenty-one-day period or
609 bears a legible United States postal service postmark that indicates that
610 within such twenty-one-day period the appeal was placed in the
611 possession of postal authorities for delivery to the appropriate office, [

612 Posting] except posting dates attributable to private postage meters
613 shall not be considered in determining the timeliness of appeals filed
614 by mail. If any such appeal is filed electronically, such appeal shall be
615 considered timely filed if it was received within such twenty-one-day
616 period.

617 (3) The appeal shall be heard in the same manner provided in
618 section 31-242, as amended by this act, for an appeal from the decision
619 of an examiner on a claim for benefits. Any party aggrieved by the
620 decision of the referee, including the administrator, may appeal to the
621 Employment Security Board of Review in the manner provided in
622 section 31-249, as amended by this act. Decisions of the board may be
623 appealed to the Superior Court in the manner provided in section 31-
624 249b, as amended by this act. The administrator is authorized, eight
625 years after the payment of any benefits described in this subsection, to
626 cancel any claim for such repayment or recoupment which in his or her
627 opinion is uncollectible. Effective January 1, 1996, and annually
628 thereafter, the administrator shall report to the joint standing
629 committee of the General Assembly having cognizance of matters
630 relating to finance, revenue and bonding and the joint standing
631 committee of the General Assembly having cognizance of matters
632 relating to labor and public employees, the aggregate number and
633 value of all such claims deemed uncollectible and therefore cancelled
634 during the previous calendar year. Any determination of overpayment
635 made under this section which becomes final may be enforced by a
636 wage execution in the same manner as a judgment of the Superior
637 Court when the claimant fails to pay according to his or her repayment
638 schedule. The court may issue a wage execution upon any final
639 determination of overpayment in the same manner as in cases of
640 judgments rendered in the Superior Court, and upon the filing of an
641 application to the court for an execution, the administrator shall send
642 to the clerk of the court a certified copy of such determination.

643 (b) (1) Any person who, by reason of fraud, wilful misrepresentation
644 or wilful nondisclosure by such person or by another of a material fact,
645 has received any sum as benefits under this chapter while any

646 condition for the receipt of benefits imposed by this chapter was not
647 fulfilled in such person's case, or has received a greater amount of
648 benefits than was due such person under this chapter, shall be charged
649 with an overpayment and shall be liable to repay to the administrator
650 for the Unemployment Compensation Fund a sum equal to the
651 amount so overpaid to such person. If such person does not make
652 repayment in full of the sum overpaid, the administrator shall recoup
653 such sum by offset from such person's unemployment benefits. The
654 deduction from benefits shall be one hundred per cent of the person's
655 weekly benefit entitlement until the full amount of the overpayment
656 has been recouped. Where such offset is insufficient to recoup the full
657 amount of the overpayment, the claimant shall repay the remaining
658 amount plus, for any determination of an overpayment made on or
659 after July 1, 2005, interest at the rate of one per cent of the amount so
660 overpaid per month, in accordance with a repayment schedule as
661 determined by the examiner. If the claimant fails to repay according to
662 the schedule, the administrator may recover such overpayment plus
663 interest through a wage execution against the claimant's earnings upon
664 the claimant's return to work in accordance with the provisions of
665 section 52-361a. In addition, the administrator may request the
666 Commissioner of Administrative Services to seek reimbursement for
667 such amount pursuant to section 12-742. If the administrator's actions
668 are insufficient to recover such overpayment, the administrator may
669 submit the outstanding balance to the Internal Revenue Service for the
670 purpose of offsetting the claimant's federal tax refund pursuant to 26
671 USC [6402(d)] 6402(f), 31 USC 3720A or other applicable federal laws.
672 The administrator is authorized, eight years after the payment of any
673 benefits described in this subsection, to cancel any claim for such
674 repayment or recoupment which in the administrator's opinion is
675 uncollectible. Effective January 1, 1996, and annually thereafter, the
676 administrator shall report to the joint standing committee of the
677 General Assembly having cognizance of matters relating to finance,
678 revenue and bonding and the joint standing committee of the General
679 Assembly having cognizance of matters relating to labor and public
680 employees, the aggregate number and value of all such claims deemed

681 uncollectible and therefore cancelled during the previous calendar
682 year.

683 (2) (A) For any determination of an overpayment made prior to
684 October 1, 2013, any person who has made a claim for benefits under
685 this chapter and has knowingly made a false statement or
686 representation or has knowingly failed to disclose a material fact in
687 order to obtain benefits or to increase the amount of benefits to which
688 such person may be entitled under this chapter shall forfeit benefits for
689 not less than one or more than thirty-nine compensable weeks
690 following determination of such offense or offenses, during which
691 weeks such person would otherwise have been eligible to receive
692 benefits. For the purposes of section 31-231b, as amended by this act,
693 such person shall be deemed to have received benefits for such
694 forfeited weeks. This penalty shall be in addition to any other
695 applicable penalty under this section and in addition to the liability to
696 repay any moneys so received by such person and shall not be
697 confined to a single benefit year. (B) For any determination of an
698 overpayment made on or after October 1, 2013, any person who has
699 made a claim for benefits under this chapter and has knowingly made
700 a false statement or representation or has knowingly failed to disclose
701 a material fact in order to obtain benefits or to increase the amount of
702 benefits to which such person may be entitled under this chapter shall
703 be subject to a penalty of fifty per cent of the amount of overpayment
704 for the first offense and a penalty of one hundred per cent of the
705 amount of overpayment for any subsequent offense. This penalty shall
706 be in addition to the liability to repay the full amount of overpayment
707 and shall not be confined to a single benefit year. Thirty-five per cent
708 of any such penalty shall be paid into the Unemployment
709 Compensation Trust Fund and sixty-five per cent of such penalty shall
710 be paid into the Employment Security Administration Fund. The
711 penalty amounts computed in this subparagraph shall be rounded to
712 the nearest dollar with fractions of a dollar of exactly fifty cents
713 rounded upward.

714 (3) Any person charged with the fraudulent receipt of benefits or the

715 making of a fraudulent claim, as provided in this subsection, shall be
716 entitled to a [hearing before the administrator, or a deputy or
717 representative designated by the administrator] determination of
718 eligibility by the administrator that shall be based upon evidence or
719 testimony presented in a manner prescribed by the administrator
720 including in writing, by telephone or by other electronic means. The
721 administrator may prescribe a hearing by telephone or in person at his
722 or her discretion, provided if an in person hearing is requested, the
723 request may not be unreasonably denied by the administrator. Notice
724 of the time and place of such hearing, and the reasons for such hearing,
725 shall be given to the person not less than five days prior to the date
726 appointed for such hearing. The administrator shall determine, on the
727 basis of facts found by the administrator, whether or not a fraudulent
728 act subject to the penalties of this subsection has been committed and,
729 upon such finding, shall fix the penalty for any such offense according
730 to the provisions of this subsection. Any person determined by the
731 administrator to have committed fraud under the provisions of this
732 section shall be liable for repayment to the administrator of the
733 Unemployment Compensation Fund for any benefits determined by
734 the administrator to have been collected fraudulently, as well as any
735 other penalties assessed by the administrator in accordance with the
736 provisions of this subsection. Until such liabilities have been met to the
737 satisfaction of the administrator, such person shall forfeit any right to
738 receive benefits under the provisions of this chapter. Notification of
739 such decision and penalty shall be [mailed to such person's last known
740 address] provided to such person and shall be final unless such person
741 files an appeal not later than twenty-one days after the [mailing] date
742 [of] such notification was provided to such person, except that (A) any
743 such appeal that is filed after such twenty-one-day period may be
744 considered to be timely filed if the filing party shows good cause, as
745 defined in regulations adopted pursuant to section 31-249h, for the late
746 filing, (B) if the last day for filing an appeal falls on any day when the
747 offices of the Employment Security Division are not open for business,
748 such last day shall be extended to the next business day, [and] (C) if
749 any such appeal is filed by mail, the appeal shall be considered timely

750 filed if the appeal was received within such twenty-one-day period or
751 bears a legible United States postal service postmark that indicates that
752 within such twenty-one-day period the appeal was placed in the
753 possession of postal authorities for delivery to the appropriate office, [. Posting] except posting dates attributable to private postage meters
754 shall not be considered in determining the timeliness of appeals filed
755 by mail, and (D) if any such appeal is filed electronically, such appeal
756 shall be considered timely filed if it was received within such twenty-
757 one-day period. Such appeal shall be heard by a referee in the same
758 manner provided in section 31-242, as amended by this act, for an
759 appeal from the decision of an examiner on a claim for benefits. The
760 manner in which such appeals shall be heard and appeals taken
761 therefrom to the board of review and then to the Superior Court, either
762 by the administrator or the claimant, shall be in accordance with the
763 provisions set forth in section 31-249, as amended by this act, or 31-
764 249b, as amended by this act, as the case may be. Any determination of
765 overpayment made under this subsection which becomes final on or
766 after October 1, 1995, may be enforced in the same manner as a
767 judgment of the Superior Court when the claimant fails to pay
768 according to the claimant's repayment schedule. The court may issue
769 execution upon any final determination of overpayment in the same
770 manner as in cases of judgments rendered in the Superior Court; and
771 upon the filing of an application to the court for an execution, the
772 administrator shall send to the clerk of the court a certified copy of
773 such determination.

775 (c) Any person, firm or corporation who knowingly employs a
776 person and pays such employee without declaring such payment in
777 the payroll records shall be guilty of a class A misdemeanor.

778 (d) If, after investigation, the administrator determines that there is
779 probable cause to believe that the person, firm or corporation has
780 wilfully failed to declare payment of wages in the payroll record, the
781 administrator shall provide an opportunity for a hearing on the matter.
782 If a hearing is requested, it shall be conducted by the administrator, or
783 a deputy or representative designated by [him] the administrator.

784 Notice of the time and place of such hearing, and the reasons therefor,
785 shall be given to the person, firm, or corporation not less than five days
786 prior to the date appointed for such hearing. If the administrator
787 determines, on the basis of the facts found by him or her, that such
788 nondeclaration occurred and was wilful, the administrator shall fix the
789 payments and penalties in accordance with the provisions of
790 subsection (e) of this section. Such person, firm or corporation may
791 appeal to the superior court for the judicial district of Hartford or for
792 the judicial district in which the employer's principal place of business
793 is located. Such court shall give notice of a time and place of hearing to
794 the administrator. At such hearing the court may confirm or correct the
795 administrator's determination. If the administrator's determination is
796 confirmed, the cost of such proceedings, as in civil actions, shall be
797 assessed against such person, firm or corporation. No costs shall be
798 assessed against the state on such appeal.

799 (e) If the administrator determines that any person, firm or
800 corporation has wilfully failed to declare the payment of wages on
801 payroll records, the administrator may impose a penalty of ten per
802 cent of the total contributions past due to the administrator, as
803 determined pursuant to section 31-270. Such penalty shall be in
804 addition to any other applicable penalty and interest under section 31-
805 266. In addition, the administrator may require the person, firm or
806 corporation to make contributions at the maximum rate provided in
807 section 31-225a, as amended by this act, for a period of one year
808 following the determination by the administrator concerning the wilful
809 nondeclaration. If the person, firm or corporation is paying or should
810 have been paying, the maximum rate at the time of the determination,
811 the administrator may require that such maximum rate continue for a
812 period of three years following the determination.

813 (f) Any person who knowingly makes a false statement or
814 representation or fails to disclose a material fact in order to obtain,
815 increase, prevent or decrease any benefit, contribution or other
816 payment under this chapter, or under any similar law of another state
817 or of the United States in regard to which this state acted as agent

818 pursuant to an agreement authorized by section 31-225, whether to be
819 made to or by himself or herself or any other person, and who receives
820 any such benefit, pays any such contribution or alters any such
821 payment to his or her advantage by such fraudulent means (1) shall be
822 guilty of a class A misdemeanor if such benefit, contribution or
823 payment amounts to five hundred dollars or less or (2) shall be guilty
824 of a class D felony if such benefit, contribution or payment amounts to
825 more than five hundred dollars. Notwithstanding the provisions of
826 section 54-193, no person shall be prosecuted for a violation of the
827 provisions of this subsection committed on or after October 1, 1977,
828 except within five years next after such violation has been committed.

829 (g) Any person, firm or corporation who knowingly fails to pay
830 contributions or other payments due under this chapter shall be guilty
831 of a class A misdemeanor. Notwithstanding the provisions of section
832 54-193, no person shall be prosecuted for a violation of the provisions
833 of this subsection committed on or after October 1, 1987, except within
834 five years after such violation has been committed.

835 (h) Any person who knowingly violates any provision of this
836 chapter for which no other penalty is provided by law shall be fined
837 not more than two hundred dollars or imprisoned not more than six
838 months or both.

839 (i) Any person who wilfully violates any regulation made by the
840 administrator or the board under the authority of this chapter, for
841 which no penalty is specifically provided, shall be fined not more than
842 two hundred dollars.

843 (j) All interest payments collected by the administrator under
844 subsection (b) of this section shall be deposited in the Employment
845 Security Administration Fund.

846 (k) For any determination of an overpayment made on or after
847 October 1, 2013, if the administrator determines that an overpayment
848 was caused by an employer's failure to timely or adequately respond
849 to the administrator's request for information relating to a claim in a

850 manner prescribed by the administrator, such employer shall not be
851 relieved of its proportionate share of charges for each week
852 determined to be overpaid.

853 Sec. 17. Subsection (g) of section 4-67n of the 2016 supplement to the
854 general statutes is repealed and the following is substituted in lieu
855 thereof (*Effective October 1, 2016*):

856 (g) [The Secretary of the Office of Policy and Management shall be
857 an authorized representative of the Labor Commissioner or
858 administrator of unemployment compensation under chapter 567 and
859 shall receive upon request by the secretary any information in the
860 Labor Commissioner's possession relating to employment records that
861 may include, but need not be limited to: Employee name, Social
862 Security number, current residential address, name and address of the
863 employer, employer North American Industry Classification System
864 code and wages. In addition, the] The Labor Department, upon the
865 request of the Secretary of the Office of Policy and Management, shall
866 furnish unemployment compensation [wage records contained in the
867 quarterly returns required and] records maintained by the Labor
868 Commissioner pursuant to [section 31-254] chapter 567, for purposes
869 of this section. Nothing in this subsection shall be construed as limiting
870 the secretary's authority to request or receive information from the
871 Labor Department.

872 Sec. 18. Section 31-51x of the general statutes is repealed and the
873 following is substituted in lieu thereof (*Effective October 1, 2016*):

874 (a) No employer may require an employee to submit to a urinalysis
875 drug test unless the employer has reasonable suspicion that the
876 employee is under the influence of drugs or alcohol which adversely
877 affects or could adversely affect such employee's job performance. [The
878 Labor Commissioner shall adopt regulations in accordance with
879 chapter 54 to specify circumstances which shall be presumed to give
880 rise to an employer having such a reasonable suspicion, provided
881 nothing in such regulations shall preclude an employer from citing
882 other circumstances as giving rise to such a reasonable suspicion.]

883 (b) Notwithstanding the provisions of subsection (a) of this section,
884 an employer may require an employee to submit to a urinalysis drug
885 test on a random basis if (1) such test is authorized under federal law,
886 (2) the employee serves in an occupation which has been designated as
887 a high-risk or safety-sensitive occupation pursuant to regulations
888 adopted by the Labor Commissioner pursuant to chapter 54, or is
889 employed to operate a school bus, as defined in section 14-275, or a
890 student transportation vehicle, as defined in section 14-212, or (3) the
891 urinalysis is conducted as part of an employee assistance program
892 sponsored or authorized by the employer in which the employee
893 voluntarily participates.

894 Sec. 19. Subdivision (1) of section 3-123rrr of the 2016 supplement to
895 the general statutes is repealed and the following is substituted in lieu
896 thereof (*Effective from passage*):

897 (1) ["Health Care Costs Containment Committee"] "Health Care Cost
898 Containment Committee" means the committee established in
899 accordance with the ratified agreement between the state and the State
900 Employees Bargaining Agent Coalition pursuant to subsection (f) of
901 section 5-278.

902 Sec. 20. Subsection (a) of section 3-123uuu of the 2016 supplement to
903 the general statutes is repealed and the following is substituted in lieu
904 thereof (*Effective from passage*):

905 (a) There is established an account to be known as the "state
906 employee plan premium account", which shall be a separate,
907 nonlapsing account within the General Fund. All premiums paid by
908 nonstate public employers and nonstate public employees pursuant to
909 participation in the state employee plan shall be deposited into said
910 account. The account shall be administered by the Comptroller, with
911 the advice of the Health Care [Costs] Cost Containment Committee, for
912 payment of claims and administrative fees to entities providing
913 coverage or services under the state employee plan.

914 Sec. 21. Subsection (d) of section 31-40x of the 2016 supplement to

915 the general statutes is repealed and the following is substituted in lieu
916 thereof (*Effective from passage*):

917 (d) Nothing in this section shall prevent an employer from:

918 (1) (A) Conducting an investigation for the purpose of ensuring
919 compliance with applicable state or federal laws, regulatory
920 requirements or prohibitions against work-related employee
921 misconduct based on the receipt of specific information about activity
922 on an [employee] employee's or applicant's personal online account, or
923 (B) conducting an investigation based on the receipt of specific
924 information about an [employee] employee's or applicant's
925 unauthorized transfer of such employer's proprietary information,
926 confidential information or financial data to or from a personal online
927 account operated by an employee, applicant or other source. Any
928 employer conducting an investigation pursuant to this subdivision
929 may require an employee or applicant to allow such employer to
930 access his or her personal online account for the purpose of conducting
931 such investigation, provided such employer shall not require such
932 employee or applicant to disclose the user name and password,
933 password or other authentication means for accessing such personal
934 online account; or

935 (2) Monitoring, reviewing, accessing or blocking electronic data
936 stored on an electronic communications device paid for, in whole or in
937 part, by an employer, or traveling through or stored on an employer's
938 network, in compliance with state and federal law.

939 Sec. 22. Subsection (j) of section 31-40x of the 2016 supplement to the
940 general statutes is repealed and the following is substituted in lieu
941 thereof (*Effective from passage*):

942 (j) The commissioner may request the Attorney General to bring an
943 action in the Superior Court to recover the penalties levied pursuant to
944 subsections [(f)] (g) and (h) of this section.

945 Sec. 23. Subsection (d) of section 31-76n of the 2016 supplement to

946 the general statutes is repealed and the following is substituted in lieu
947 thereof (*Effective from passage*):

948 (d) Not later than December 1, 2015, and annually thereafter, the
949 board shall submit a report, in accordance with the provisions of
950 section 11-4a, on its findings and recommendations to the joint
951 standing committees of the General Assembly having cognizance of
952 matters relating to labor, human services and education, and to the
953 Labor Commissioner, Commissioner of Social Services and [Director of
954 the Office] Commissioner of Early Childhood. Such report shall be
955 made available to the public in a form and manner prescribed by the
956 board.

957 Sec. 24. (NEW) (*Effective October 1, 2016*) (a) (1) Wherever the term
958 "Workforce Investment Act of 1998, P.L. 105-220" is used in the
959 following general statutes, the term "Workforce Innovation and
960 Opportunity Act of 2014, P.L. 113-128" shall be substituted in lieu
961 thereof; (2) wherever the term "Workforce Investment Act of 1998" is
962 used in the following general statutes, the term "Workforce Innovation
963 and Opportunity Act of 2014" shall be substituted in lieu thereof; and
964 (3) wherever the term "Workforce Investment Act" is used in the
965 following general statutes, the term "Workforce Innovation and
966 Opportunity Act" shall be substituted in lieu thereof: 4-89, 4-124w, 4a-
967 82, 31-3h, 31-3k, 31-3l, 31-3gg, 31-11l, 31-11m, 31-11n, 31-11o, 31-11p,
968 31-11q, 31-11r, 31-11s, 31-11t, 31-11u, and 31-254, as amended by this
969 act.

970 (b) Wherever the term "Workforce Investment Act of 1998, P.L. 105-
971 220" is used in any public or special act of 2016, the term "Workforce
972 Innovation and Opportunity Act of 2014, P.L. 113-128" shall be
973 substituted in lieu thereof.

974 (c) The Legislative Commissioners' Office shall, in codifying the
975 provisions of this section, make such technical, grammatical and
976 punctuation changes as are necessary to carry out the purposes of this
977 section.

978 Sec. 25. Section 31-231b of the general statutes is repealed and the
979 following is substituted in lieu thereof (*Effective from passage*):

980 Except as provided in sections [31-232a] 31-232b to 31-232k,
981 inclusive, as amended by this act, no individual shall receive benefits
982 for unemployment occurring during his or her benefit year
983 commencing after September 30, 1967, in excess of twenty-six times his
984 or her total unemployment benefit rate.

985 Sec. 26. Section 31-232b of the general statutes is repealed and the
986 following is substituted in lieu thereof (*Effective from passage*):

987 As used in this section, subsection (d) of section 31-222, sections 31-
988 231b, as amended by this act, and [31-232a] 31-232c to 31-232k,
989 inclusive, as amended by this act, subdivision (8) of subsection (a) of
990 section 31-236 and section 31-250, unless the context clearly requires
991 otherwise:

992 (a) (1) "Extended benefit period" means a period which (A) begins
993 with the third week after a week for which there is a state "on"
994 indicator; and (B) ends with either of the following weeks, whichever
995 occurs later: (i) The third week after the first week for which there is a
996 state "off" indicator; or (ii) the thirteenth consecutive week of such
997 period; provided no extended benefit period may begin by reason of a
998 state "on" indicator before the fourteenth week following the end of a
999 prior extended benefit period which was in effect with respect to this
1000 state.

1001 (2) With respect to benefits for weeks of unemployment beginning
1002 after September 26, 1982, there is a state "on" indicator for a week if, for
1003 the period consisting of such week and the immediately preceding
1004 twelve weeks, the rate of insured unemployment, as defined in
1005 subdivision (7) of this subsection, (A) equaled or exceeded five per cent
1006 and equaled or exceeded one hundred twenty per cent of the average
1007 of such rates for the corresponding thirteen-week period ending in
1008 each of the preceding two calendar years, or (B) equaled or exceeded
1009 six per cent.

1010 (3) With respect to benefits for weeks of unemployment beginning
1011 after June 23, 1993, there is a state "on" indicator for a week if the
1012 average rate of total unemployment in the state, as determined by the
1013 United States Secretary of Labor, for the period consisting of the most
1014 recent three months for which data for all states are published before
1015 the close of such week (A) equals or exceeds six and one-half per cent,
1016 and (B) equals or exceeds one hundred ten per cent of such average for
1017 either or both of the corresponding three-month periods ending in the
1018 two preceding calendar years.

1019 (4) Notwithstanding the provisions of subdivision (2) of this
1020 subsection, with respect to benefits for weeks of unemployment (A)
1021 beginning after December 17, 2010, and ending on or before December
1022 31, 2011, or (B) beginning after the date established in federal law
1023 permitting this subdivision for which there is one hundred per cent
1024 federal sharing authorized by federal law, there is a state "on" indicator
1025 for a week if, for the period consisting of such week and the
1026 immediately preceding twelve weeks, the rate of insured
1027 unemployment, as defined in subdivision (7) of this subsection, (i)
1028 equaled or exceeded five per cent and equaled or exceeded one
1029 hundred twenty per cent of the average of such rates for the
1030 corresponding thirteen-week period ending in each of the preceding
1031 three calendar years, or (ii) equaled or exceeded six per cent.

1032 (5) Notwithstanding the provisions of subdivision (3) of this
1033 subsection, with respect to benefits for weeks of unemployment (A)
1034 beginning after December 17, 2010, and ending on or before December
1035 31, 2011, or (B) beginning after the date established in federal law
1036 permitting this subdivision for which there is one hundred per cent
1037 federal sharing authorized by federal law, there is a state "on" indicator
1038 for a week if the average rate of total unemployment in the state, as
1039 determined by the United States Secretary of Labor, for the period
1040 consisting of the most recent three months for which data for all states
1041 are published before the close of such week (i) equals or exceeds six
1042 and one-half per cent, and (ii) equals or exceeds one hundred ten per
1043 cent of such average for any or all of the corresponding three-month

1044 periods ending in the three preceding calendar years.

1045 (6) There is a state "off" indicator for a week only if none of the
1046 options specified in subdivisions (2) to (5), inclusive, of this subsection
1047 result in an "on" indicator.

1048 (7) "Rate of insured unemployment", for the purposes of
1049 subdivisions (2) and (4) of this subsection, means the percentage
1050 derived by dividing (A) the average weekly number of individuals
1051 filing claims for regular benefits in this state for weeks of
1052 unemployment with respect to the most recent thirteen-consecutive-
1053 week period, as determined by the administrator on the basis of [his]
1054 the administrator's reports to the United States Secretary of Labor, by
1055 (B) the average monthly employment covered under the provisions of
1056 this chapter, for the first four of the most recent six completed calendar
1057 quarters ending before the end of such thirteen-week period.

1058 (8) "Regular benefits" means benefits payable to an individual under
1059 this chapter, or under any other state law, including benefits payable
1060 to federal civilian employees and to ex-servicemen pursuant to 5 USC
1061 Chapter 85, other than extended benefits and additional benefits.

1062 (9) "Extended benefits" means benefits, including benefits payable to
1063 federal civilian employees and to ex-servicemen pursuant to 5 USC
1064 Chapter 85, payable to an individual under the provisions of this
1065 section, subsection (d) of section 31-222, sections 31-231b, as amended
1066 by this act, and [31-232a] 31-232c to 31-232k, inclusive, as amended by
1067 this act, subdivision (8) of subsection (a) of section 31-236 and section
1068 31-250 for weeks of unemployment in his or her eligibility period.

1069 (10) "Additional benefits" means benefits payable to exhaustees by
1070 reason of conditions of high unemployment. [or by reason of other
1071 special factors under the provisions of section 31-232a.]

1072 (11) "Eligibility period" of an individual means the period consisting
1073 of the weeks in [his] the individual's benefit year which begin in an
1074 extended benefit period and, if [his] the individual's benefit year ends

1075 within such extended benefit period, any weeks thereafter which begin
1076 in such period.

1077 (12) "Exhaustee" means an individual who, with respect to any week
1078 of unemployment in [his] the individual's eligibility period: (A) Has
1079 received, prior to such week, all of the regular benefits that were
1080 available to him or her under this chapter, or any other state law,
1081 including dependents' allowances and benefits payable to federal
1082 civilian employees and ex-servicemen under 5 USC Chapter 85, in his
1083 or her current benefit year that includes such week; provided, for the
1084 purposes of this subparagraph, an individual shall be deemed to have
1085 received all of the regular benefits that were available to him or her
1086 although, as a result of a pending appeal with respect to wages or
1087 employment or both that were not considered in the original monetary
1088 determination in his or her benefit year, he or she may subsequently be
1089 determined to be entitled to added regular benefits; or (B) [his] the
1090 individual's benefit year having expired prior to such week, has no, or
1091 insufficient, wages or employment or both on the basis of which he or
1092 she could establish a new benefit year that would include such week;
1093 and (C) (i) has no right to unemployment benefits or allowances, as the
1094 case may be, under the Railroad Unemployment Insurance Act, the
1095 Trade Expansion Act of 1962, the Automotive Products Trade Act of
1096 1965 and such other federal laws as are specified in regulations issued
1097 by the United States Secretary of Labor; and (ii) has not received and is
1098 not seeking unemployment benefits under the unemployment
1099 compensation law of the Virgin Islands or of Canada, provided that
1100 the reference to the Virgin Islands shall be inapplicable effective on the
1101 day after the day on which the United States Secretary of Labor
1102 approves under Section 3304(a) of the Internal Revenue Code of 1986,
1103 or any subsequent corresponding internal revenue code of the United
1104 States, as from time to time amended, an unemployment compensation
1105 law submitted to the Secretary by the Virgin Islands for approval; but,
1106 if he or she is seeking such benefits and the appropriate agency finally
1107 determines that he or she is not entitled to benefits under such law, he
1108 or she is considered an exhaustee.

1109 (13) "State law" means the unemployment insurance law of any
1110 state, approved by the United States Secretary of Labor under Section
1111 3304 of the Internal Revenue Code of 1986, or any subsequent
1112 corresponding internal revenue code of the United States, as from time
1113 to time amended.

1114 (14) "High unemployment period" means any period during which
1115 an extended benefit period would be in effect if subparagraph (A) of
1116 subdivision (3) of this subsection were applied by substituting eight
1117 per cent for six and one-half per cent.

1118 (b) "Wages" means all remuneration for employment, as defined in
1119 subsection (b) of section 31-222.

1120 (c) "Administrator" means the Labor Commissioner, as defined in
1121 subsection (c) of section 31-222.

1122 Sec. 27. Section 31-232c of the general statutes is repealed and the
1123 following is substituted in lieu thereof (*Effective from passage*):

1124 Except when the result would be inconsistent with the other
1125 provisions of subsection (d) of section 31-222 and sections 31-231b, as
1126 amended by this act, [31-232a] 31-232b to 31-232k, inclusive, as
1127 amended by this act, 31-236(a)(8) and 31-250, as provided in the
1128 regulations of the administrator, the provisions of this chapter, which
1129 apply to claims for, or the payment of, regular benefits, including
1130 benefits for partial unemployment, shall apply to claims for, and the
1131 payment of, extended benefits.

1132 Sec. 28. Section 31-232h of the general statutes is repealed and the
1133 following is substituted in lieu thereof (*Effective from passage*):

1134 No individual shall receive both extended benefits and additional
1135 benefits during or in respect to the same week. An individual may
1136 become eligible to receive additional benefits under section 31-232a
1137 with respect to a week of unemployment only if he is not eligible to
1138 receive extended benefits under subsection (d) of section 31-222 and
1139 sections 31-231b, as amended by this act, [31-232a] 31-232b to 31-232k,

1140 inclusive, as amended by this act, 31-236(a)(8) and 31-250 with respect
1141 to such week.

1142 Sec. 29. Section 31-232i of the general statutes is repealed and the
1143 following is substituted in lieu thereof (*Effective from passage*):

1144 In the administration of the provisions of subsection (d) of section
1145 31-222 and sections 31-231b, as amended by this act, [31-232a] 31-232b
1146 to 31-232k, inclusive, as amended by this act, 31-236(a)(8) and 31-250,
1147 which are enacted to conform with the requirements of the Federal-
1148 State Extended Unemployment Compensation Act of 1970, the
1149 administrator shall take such action as may be necessary (1) to ensure
1150 that the provisions are so interpreted and applied as to meet the
1151 requirements of such federal act as interpreted by the United States
1152 Department of Labor and (2) to secure to this state the full
1153 reimbursement of the federal share of extended benefits paid under
1154 said sections that are reimbursable under the federal act.

1155 Sec. 30. Section 31-234 of the general statutes is repealed and the
1156 following is substituted in lieu thereof (*Effective from passage*):

1157 Each individual who is eligible to receive benefits for
1158 unemployment with respect to any week shall be paid with respect to
1159 such week a dependency allowance of fifteen dollars for such
1160 individual's nonworking spouse, as defined by regulation, living in the
1161 same household with such individual and for each of such individual's
1162 children or stepchildren who at the beginning of the individual's
1163 current benefit year were being wholly or mainly supported by such
1164 individual and were under eighteen years of age or under twenty-one
1165 years of age and in full-time attendance in a secondary school, a
1166 technical school, a college, or state accredited job training program, or
1167 who at the beginning of the individual's benefit year were mentally or
1168 physically handicapped and because of such handicap were being
1169 wholly or mainly supported by such individual, but in no event shall
1170 such allowances exceed the number of whole dollars in one hundred
1171 per cent of the total unemployment benefit rate of such individual or
1172 be paid with respect to more than five dependents. If the individual

1173 acquires any additional dependents in the course of a benefit year, the
1174 dependency allowance shall be adjusted accordingly during the next
1175 following complete calendar week. Dependency allowances shall be in
1176 addition to the unemployment benefits otherwise payable and shall
1177 not be considered part of an individual's total unemployment benefit
1178 rate [but shall be counted in the amount of maximum benefits
1179 provided in section 31-232a] and no dependency allowance shall be
1180 payable with respect to any week unless an unemployment benefit is
1181 also payable with respect to such week. If both [a husband and a wife]
1182 spouses receive benefits with respect to a week of unemployment,
1183 neither shall be entitled to a dependency allowance with respect to the
1184 other and only one of them shall be entitled to a dependency
1185 allowance with respect to any child or stepchild.

1186 Sec. 31. Subdivision (5) of subsection (a) of section 31-222 of the
1187 general statutes is repealed and the following is substituted in lieu
1188 thereof (*Effective from passage*):

1189 (5) No provision of this chapter, except section 31-254, as amended
1190 by this act, shall apply to any of the following types of service or
1191 employment, except when voluntarily assumed, as provided in section
1192 31-223:

1193 (A) Service performed by an individual in the employ of [his] such
1194 individual's son, daughter or spouse, and service performed by a child
1195 under the age of eighteen in the employ of [his] such child's father or
1196 mother;

1197 (B) Service performed in the employ of the United States
1198 government, any other state, any town or city of any other state, or any
1199 political subdivision or instrumentality of any of them; except that, to
1200 the extent that the Congress of the United States permits states to
1201 require any instrumentalities of the United States to make
1202 contributions to an unemployment fund under a state unemployment
1203 compensation law, all of the provisions of this chapter shall be
1204 applicable to such instrumentalities and to services performed for such
1205 instrumentalities; provided, if this state is not certified for any year by

1206 the Secretary of Labor under Section 3304 of the Federal Internal
1207 Revenue Code, the contributions required of such instrumentalities
1208 with respect to such year shall be refunded by the administrator from
1209 the fund in the same manner and within the same period as is
1210 provided in sections [31-268,] 31-269, as amended by this act, 31-270
1211 and 31-271 with respect to contributions erroneously collected;

1212 (C) Service with respect to which unemployment compensation is
1213 payable under an unemployment compensation plan established by an
1214 Act of Congress, provided the administrator is authorized to enter into
1215 agreements with the proper agencies under such Act of Congress, to
1216 provide reciprocal treatment to individuals who have, after acquiring
1217 potential rights to benefits under this chapter, acquired rights to
1218 unemployment compensation under such Act of Congress, or who
1219 have, after acquiring potential rights to unemployment compensation
1220 under such Act of Congress, acquired rights to benefits under this
1221 chapter, and provided further, in computing benefits the administrator
1222 shall disregard all wages paid by employers who fall within the
1223 definition of "employer" in Section 1(a) of the Federal Railroad
1224 Unemployment Insurance Act;

1225 (D) Service performed in this state or elsewhere with respect to
1226 which contributions are required and paid under an unemployment
1227 compensation law of any other state;

1228 (E) Service not in the course of the employer's trade or business
1229 performed in any calendar quarter by an employee, unless the cash
1230 remuneration paid for such service is fifty dollars or more and such
1231 service is performed by an individual who is regularly employed by
1232 such employer to perform such service. For purposes of this
1233 subparagraph, an individual shall be deemed to be regularly
1234 employed by an employer during a calendar quarter only if (i) on each
1235 of some twenty-four days during such quarter such individual
1236 performs for such employer for some portion of the day service not in
1237 the course of the employer's trade or business; or (ii) such individual
1238 was so employed by such employer in the performance of such service

1239 during the preceding calendar quarter;

1240 (F) Service performed in any calendar quarter in the employ of any
1241 organization exempt from income tax under Section 501(a) of the
1242 Internal Revenue Code or under Section 521 of said code excluding
1243 any organization described in Section 401(a) of said code, if the
1244 remuneration for such service is less than fifty dollars;

1245 (G) Service performed in the employ of a school, college, or
1246 university if such service is performed (i) by a student who is enrolled
1247 and is regularly attending classes at such school, college or university,
1248 or (ii) by the spouse of such a student, if such spouse is advised at the
1249 time such spouse commences to perform such service, that (I) the
1250 employment of such spouse to perform such service is provided under
1251 a program to provide financial assistance to such student by such
1252 school, college or university, and (II) such employment will not be
1253 covered by any program of unemployment insurance;

1254 (H) Service performed as a student nurse in the employ of a hospital
1255 or a nurses' training school chartered pursuant to state law by an
1256 individual who is enrolled and is regularly attending classes in such
1257 nurses' training school, and service performed as an intern in the
1258 employ of a hospital by an individual who has completed a four years'
1259 course in a medical school chartered or approved pursuant to state
1260 law;

1261 (I) Service performed by an individual under the age of eighteen in
1262 the delivery or distribution of newspapers or shopping news, not
1263 including delivery or distribution to any point for subsequent delivery
1264 or distribution;

1265 (J) Service performed by an individual who is enrolled, at a
1266 nonprofit or public educational institution which normally maintains a
1267 regular faculty and curriculum and normally has a regularly organized
1268 body of students in attendance at the place where its educational
1269 activities are carried on, as a student in a full-time program, taken for
1270 credit at such institution, which combines academic instruction with

1271 work experience, if such service is an integral part of such program,
1272 and such institution has so certified to the employer, except that this
1273 subparagraph shall not apply to service performed in a program
1274 established for or on behalf of an employer or group of employers;

1275 (K) Service performed by an individual as an insurance agent, other
1276 than an industrial life insurance agent, and service performed by an
1277 individual as a real estate salesperson, if all such service is performed
1278 for remuneration solely by way of commission;

1279 (L) Service performed in the employ of a hospital, if such service is
1280 performed by a patient of the hospital, as defined in subsection (h) of
1281 this section;

1282 (M) Service performed by an individual in the employ of any town,
1283 city or other political subdivision, provided such service is performed
1284 in lieu of payment of any delinquent tax payable to such town, city or
1285 other political subdivision;

1286 (N) Service performed by an individual as an outside sales
1287 representative of a for-profit travel agency if substantially all of such
1288 service is performed outside of any travel agency premises, and all
1289 such service is performed for remuneration solely by way of
1290 commission. For purposes of this subparagraph, an "outside sales
1291 representative" means an individual whose services to a for-profit
1292 travel agency are performed under such travel agency's Airlines
1293 Reporting Corporation accreditation, or the International Airlines
1294 Travel Agent Network endorsement;

1295 (O) Service performed by the operator of an escort motor vehicle,
1296 for an oversize vehicle, overweight vehicle or a vehicle with a load
1297 traveling upon any Connecticut highway pursuant to a permit
1298 required by section 14-270, and the regulations adopted pursuant to
1299 said section, provided the following conditions are met:

1300 (i) The service is provided by an individual operator who is
1301 engaged in the business or trade of providing such escort motor

1302 vehicle;

1303 (ii) The operator is, and has been, free from control and direction by
1304 any other business or other person in connection with the actual
1305 performance of such services;

1306 (iii) The operator owns his or her own vehicle, and statutorily
1307 required equipment, and exclusively employs this equipment in
1308 providing such services; and

1309 (iv) The operator is treated as an independent contractor for all
1310 purposes, including, but not limited to, federal and state taxation,
1311 workers' compensation, choice of hours worked and choice to accept
1312 referrals from multiple entities without consequence; and

1313 (P) Service performed by the operator of a motor vehicle
1314 transporting property for compensation pursuant to an agreement
1315 with a contracting party, provided the following conditions are met:

1316 (i) The motor vehicle has a gross vehicle weight rating in excess of
1317 ten thousand pounds;

1318 (ii) The operator owns such motor vehicle or holds it under a bona
1319 fide lease arrangement, provided any lease arrangement, loan or loan
1320 guarantee is commercially reasonable and is not with the contracting
1321 party or any related entity. For purposes of this subparagraph, a lease
1322 arrangement, loan or loan guarantee shall be commercially reasonable
1323 if it is on terms equal to terms available in a trucking equipment
1324 purchase or lease in customary and usual retail transactions generally
1325 available in the state;

1326 (iii) The operator's compensation is based on factors, which may
1327 include, but not be limited to, mileage-based rates, a percentage of any
1328 schedule of rates or by the hours or time expended in relation to actual
1329 performance of the service contracted for or an agreed upon flat fee;

1330 (iv) The operator may refuse to work without consequence and may
1331 accept work from multiple contracting entities in compliance with

1332 statutory and regulatory limitations without consequence. The service
1333 performed by the operator shall satisfy the requirements of
1334 subparagraph (B)(ii) of subdivision (1) of subsection (a) of this section,
1335 except that the administrator shall not find that the operator is an
1336 employee of the contracting party solely because such operator
1337 chooses to perform services only for such contracting party; and

1338 (v) The provisions of this subparagraph shall not affect the
1339 applicability of any provision of chapter 229.

1340 Sec. 32. Section 31-269 of the general statutes is repealed and the
1341 following is substituted in lieu thereof (*Effective from passage*):

1342 If more or less than the correct amount of contributions imposed has
1343 been paid with respect to employment during any period, [and if such
1344 overpayment or underpayment cannot be or is not adjusted under
1345 section 31-268,] the amount of the overpayment shall be refunded to
1346 the employer from the contribution account of the Unemployment
1347 Compensation Fund or the amount of the underpayment shall be paid
1348 by the employer to the administrator at such time as the administrator
1349 prescribes, provided no refund shall be made unless request has been
1350 made within three years from the due date of the contributions
1351 claimed to have been overpaid or which would be contrary to the
1352 requirements of the Social Security Act or any amendments thereto.
1353 Any refunds of interest paid into the Employment Security Special
1354 Administration Fund established by section 31-259 shall be paid from
1355 said fund. If the overstatement of wages results in unemployment
1356 compensation benefits being paid, the amount of any overpayment of
1357 unemployment compensation benefits shall be deducted from any
1358 refunds of contributions until the amount of overpayment of
1359 unemployment compensation benefits has been recovered.

1360 Sec. 33. Subsection (a) of section 31-71b of the general statutes is
1361 repealed and the following is substituted in lieu thereof (*Effective from*
1362 *passage*):

1363 (a) (1) Except as provided in subdivision (2) of this subsection, each

1364 employer, or the agent or representative of an employer, shall pay
 1365 weekly, or once every two weeks, all moneys due each employee on a
 1366 regular pay day, designated in advance by the employer, in cash, by
 1367 negotiable checks or, upon an employee's written request, by credit to
 1368 such employee's account in any bank that has agreed with the
 1369 employer to accept such wage deposits.

1370 (2) Unless otherwise requested by the recipient, the Comptroller
 1371 shall, as soon as is practicable, pay all wages due each state employee,
 1372 as defined in section 5-196, by electronic direct deposit to such
 1373 employee's account in any bank, Connecticut credit union or federal
 1374 credit union that has agreed with the Comptroller to accept such wage
 1375 deposits.

1376 Sec. 34. Section 31-71i of the general statutes is repealed and the
 1377 following is substituted in lieu thereof (*Effective from passage*):

1378 The commissioner may, upon application, waive the provisions of
 1379 section 31-71b, as amended by this act, with respect to any particular
 1380 week or weeks, and may also, upon application, permit any employer,
 1381 subject to the provisions of this section, to establish regular pay [days]
 1382 periods less frequently than [weekly] once every two weeks, provided
 1383 each employee affected shall be paid in full at least once in each
 1384 calendar month on a regularly established schedule.

1385 Sec. 35. Sections 31-3hh, 31-11x, 31-40t, 31-232a and 31-268 of the
 1386 general statutes are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	31-225a(h)
Sec. 2	October 1, 2016	31-227(i)
Sec. 3	October 1, 2016	31-237a
Sec. 4	October 1, 2016	31-237h
Sec. 5	October 1, 2016	31-240
Sec. 6	October 1, 2016	31-241
Sec. 7	October 1, 2016	31-242

Sec. 8	October 1, 2016	31-244
Sec. 9	October 1, 2016	31-244a
Sec. 10	October 1, 2016	31-248
Sec. 11	October 1, 2016	31-249
Sec. 12	October 1, 2016	31-249a
Sec. 13	October 1, 2016	31-249b
Sec. 14	October 1, 2016	31-249e
Sec. 15	October 1, 2016	31-254(g)
Sec. 16	October 1, 2016	31-273
Sec. 17	October 1, 2016	4-67n(g)
Sec. 18	October 1, 2016	31-51x
Sec. 19	<i>from passage</i>	3-123rrr(1)
Sec. 20	<i>from passage</i>	3-123uuu(a)
Sec. 21	<i>from passage</i>	31-40x(d)
Sec. 22	<i>from passage</i>	31-40x(j)
Sec. 23	<i>from passage</i>	31-76n(d)
Sec. 24	October 1, 2016	New section
Sec. 25	<i>from passage</i>	31-231b
Sec. 26	<i>from passage</i>	31-232b
Sec. 27	<i>from passage</i>	31-232c
Sec. 28	<i>from passage</i>	31-232h
Sec. 29	<i>from passage</i>	31-232i
Sec. 30	<i>from passage</i>	31-234
Sec. 31	<i>from passage</i>	31-222(a)(5)
Sec. 32	<i>from passage</i>	31-269
Sec. 33	<i>from passage</i>	31-71b(a)
Sec. 34	<i>from passage</i>	31-71i
Sec. 35	<i>from passage</i>	Repealer section

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various technical and procedural changes to the Labor Department statutes regarding unemployment compensation processes and employee pay periods. As these changes conform statute to current agency modernization efforts already underway, this does not result in any fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 220*****AN ACT CONCERNING UNEMPLOYMENT COMPENSATION APPEALS AND HEARINGS, EMPLOYEE PAY PERIODS AND MINOR AND TECHNICAL REVISIONS TO THE GENERAL STATUTES RELATING TO THE LABOR DEPARTMENT.*****SUMMARY:**

This bill makes numerous changes to the unemployment compensation statutes that generally give the Department of Labor (DOL) greater flexibility in processing unemployment claims and appeals. Among other things, it:

1. allows DOL to deliver certain unemployment notices and decisions by means other than the mail (e.g., email);
2. requires the period in which a party can appeal a decision to start when the decision is “provided,” rather than mailed, to the party; and
3. allows the labor commissioner to prescribe different ways, other than a hearing, for employers and claimants to present their evidence and testimony in certain unemployment proceedings.

The bill also:

1. allows employers to pay their employees biweekly without first obtaining a waiver from DOL, as required under current law (§§ 33 & 34);
2. allows unemployment claimants to change their tax withholding status for tax deductions from their benefits more than once each year (§ 2);
3. allows (a) DOL to share unemployment records, under certain

conditions, with nonpublic entities that contract with other state agencies and (b) the Office of Policy and Management (OPM) secretary to request and obtain a wider range of unemployment records from DOL; and

4. eliminates a requirement that the labor commissioner adopt regulations that specify the circumstances in which an employer can require an employee to submit to a urinalysis drug test because of a reasonable suspicion that the employee is under the influence of drugs or alcohol (§ 18).

Lastly, the bill repeals obsolete or duplicative statutes and makes numerous minor, technical, and conforming changes, such as changing statutory references to the federal Workforce Investment Act to reflect the act's current name, the Workforce Innovation and Opportunity Act of 2014 (§§ 15 & 24).

EFFECTIVE DATE: Sections 1-18 and 24 are effective October 1, 2016, and the remaining sections are effective upon passage.

UNEMPLOYMENT NOTICES, DECISIONS, AND APPEAL DEADLINES

Providing Notice and Decisions (§§ 1 & 14)

The bill allows DOL to notify employers about charges against their experience rates through means other than mail. This applies to notice that a former employee successfully filed for benefits and the quarterly statements DOL must send employers. In general, an employer's experience rate is the portion of its unemployment tax rate that varies depending on whether the employer's former employees received unemployment benefits.

The bill also (1) requires DOL's Employment Security Appeals Division to prescribe how decisions by its referees and the Employment Security Board of Review are issued and (2) allows the decisions to be delivered electronically. In general, the appeals division administers the process by which claimants and employers can appeal decisions on a claimant's eligibility for benefits. Appeals

are first heard by the division's referees and their decisions can be appealed to the review board.

Appeal Deadlines (§§ 6, 10, 12, 16)

The law requires the labor commissioner or an unemployment examiner (an official who initially determines a claimant's eligibility) to notify the claimant and his or her former employers about whether the claimant will receive benefits, but does not specify how this notification must be provided. Current law, however, requires any subsequent appeals or related motions to be filed within certain periods that start when notices or decisions are "mailed" to the claimant or employer.

The bill instead requires these filing periods to start when the notice or decision was "provided" to the claimant or employer. It applies to (1) appeals of an examiner's, referee's, or review board's decision; (2) motions to reopen, set aside, vacate or modify decisions by referees or the board; and (3) appeals of determinations that claimants were overpaid benefits in error or due to fraud. For these appeals, the bill also specifies that electronically filed appeals are timely if they are "received," before their filing period deadlines.

Hearings (§§ 6 & 16)

Current law requires the labor commissioner or an examiner to hold a hearing to determine a claimant's eligibility for benefits or whether a claimant received benefits in error or through fraud. The bill allows the commissioner or examiner to prescribe different ways, other than a hearing, for employers and claimants to present evidence and testimony in these proceedings. In these instances, the commissioner or examiner has discretion to prescribe a telephone or in-person hearing, but he or she cannot unreasonably deny an in-person hearing if the claimant or employer requests one.

Under the bill, if an examiner holds a hearing to determine whether a claimant received benefits in error, he or she must provide at least five days notice of the hearing's time and place. The law, unchanged

by the bill, requires the same notice for hearings to determine whether a claimant received benefits through fraud.

Other Flexibility Provisions (§§ 3-5, 8, 9, 11, +13)

The bill makes several other changes to give DOL greater flexibility in how it processes unemployment claims and appeals. It allows:

1. the appeals division to prescribe how it can access the Employment Security Division's records, files, and data;
2. the commissioner, examiners, referees, and review board to consider electronic records when considering disputed claims;
3. the appeals division to prescribe how to file appeals of referees' and review board decisions; and
4. DOL to prescribe how benefit claims must be made (current law requires them to be made at the public employment bureau or branch most easily accessible to the claimant's home or most recent employment, but in practice DOL accepts claims filed online and by telephone)

SHARING UNEMPLOYMENT RECORDS (§§ 15 & 17)

The law requires the labor commissioner to share certain unemployment information with nonpublic entities that contract with DOL to help administer the unemployment law. The bill requires the commissioner to also share this information with nonpublic entities that contract with other state agencies for the same purposes. As under current law, the nonpublic agency must agree in writing to provide certain safeguards that protect the confidentiality of the disclosed information.

The bill also eliminates a provision in law that makes the OPM secretary the labor commissioner's authorized representative to receive, on request, any information the commissioner has relating to employment records that may include (1) an employee's name, Social Security number, and current residential address; (2) employer's name,

address, and North American Industry Classification System code; and (3) wages. However, it also allows the secretary to request and receive any of DOL's unemployment records. Current law limits the secretary's access to the wage records contained in the quarterly unemployment returns filed by employers. The bill specifies that it must not be construed as limiting the secretary's authority to request or receive information from DOL.

REPEALED STATUTES

The bill repeals obsolete or duplicative statutes that do the following:

1. require the DOL commissioner to adopt regulations on standard contract provisions for certain regional workforce development board contracts (duplicative);
2. require the commissioner to establish a grant program for comprehensive job training and related services for economically disadvantaged, unemployed, and underemployed people (obsolete);
3. prohibit employers from penalizing employees who tell other employees about hazardous work conditions or refuse to expose themselves to hazardous work conditions (duplicative);
4. allow certain unemployment claimants to receive 13 weeks of additional benefits under certain circumstances (obsolete); and
5. require the commissioner to adopt regulations that allow for adjustments to an employer's unemployment taxes without interest when an employer accidentally pays an incorrect amount of unemployment taxes (obsolete).

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/10/2016)